

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAMORI V. ROGERS, SR.,

Plaintiff,

v.

UNKNOWN DOCTOR, et al.,

Defendants.

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No. 4:19-CV-2478 PLC

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. *Pro se* plaintiff initiated this action on August 30, 2019, by filing a civil rights complaint form titled for the District of Arizona. ECF No. 1. On October 28, 2019, plaintiff filed a letter with the Court in which he seeks to “add[] new defendants to this suit” and increase the amount of damages he requests. ECF No. 7 at 1, 2. Plaintiff is cautioned that he may not file letters addressed to a Judge seeking amendment of his complaint. The Court’s Local Rules do not permit parties to communicate with the Court by informal letters. Parties may only address the Court through motions and memoranda, unless otherwise directed by the Court. *See* E.D. Mo. Local Rule 4.04(A). To clarify the record, plaintiff may file an amended complaint that includes all changes he wants to make to his claims and the defendants. The Court will direct the Clerk of Court to send plaintiff a blank form complaint so that he may file an amended complaint.

Plaintiff is advised that the amended complaint will replace the original complaint. *E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must submit the amended complaint on the court-provided form, and he must comply with the Federal Rules of Civil Procedure, including Rules 8 and 10. Rule 8 requires

plaintiff to set forth a short and plain statement of the claim showing entitlement to relief, and it also requires that each averment be simple, concise, and direct. Rule 10 requires plaintiff to state his claims in separately numbered paragraphs, each limited as far as practicable to a single set of circumstances. Plaintiff must type, or very neatly print, the amended complaint on the provided form.

In the “Caption” section of the amended complaint, plaintiff must state the first and last name, to the extent he knows it, of each and every defendant he wants to sue. Plaintiff should also indicate whether he intends to sue each defendant in his or her individual capacity, official capacity, or both. Plaintiff should avoid naming anyone as a defendant unless that person is directly related to his claim(s).

In the “Statement of Claim” section, plaintiff should begin by writing a defendant’s name. In separate, numbered paragraphs under that name, plaintiff should write the specific facts supporting his claim or claims against the defendant. If plaintiff is suing more than one defendant, he should proceed in the same manner with each one, separately writing each individual defendant’s name and, under that name, in numbered paragraphs, the factual allegations supporting his claim or claims against that defendant. Plaintiff should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See* Fed. R. Civ. P. 20(a)(2). Alternatively, plaintiff may choose a single defendant, and set forth as many claims as he has against him or her. *See* Fed. R. Civ. P. 18(a). Plaintiff’s failure to make specific factual allegations against any defendant will result in that defendant’s dismissal.

Due to the pending motion to proceed in forma pauperis, plaintiff is advised the Court will review the amended complaint under 28 U.S.C. §§ 1915 and 1915A, and related authority. After careful consideration,

IT IS HEREBY ORDERED that, within **thirty (30) days** after the date of this Order, plaintiff shall file an amended complaint in accordance with the instructions set forth herein.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to plaintiff a blank Prisoner Civil Rights Complaint form.

If plaintiff fails to timely file an amended complaint in compliance with this Order, the Court will dismiss this action without prejudice and without further notice.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of November, 2019